

AK

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/018,034	KOBYLECKI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Elias Desta	2857	

-- **The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**  
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on May 24, 2004.
2. ☒ The allowed claim(s) is/are 1-5, 7-21, 23-27, 30-35, 37-39 and 41-56.
3. ☒ The drawings filed on May 24, 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

## Detailed Action

### Drawing

1. The Examiner accepts the drawing amendment filed on May 24, 2004.

### Response to Applicant's Remarks

2. Applicant's remarks see amendment, filed on May 24, 2004, with respect to claims 1-43 have been fully considered and are persuasive. The rejection of claims 1-5, 7-21, 23-27, 30-35, 37-39 and 41-43 has been withdrawn. Claims 6, 22, 28, 29, 36 and 40 are canceled. The added claims 44-56 are accepted.

### Allowance

3. Claims 1-5, 7-21, 23-27, 30-35, 37-39 and 41-56 are allowed. The following is an examiner's statement of reasons for allowance:

In reference to claims 1, 27, 30, 39, 44, 51 and 53-56: *Turner et al.* (U.S. PAP 2003/0157721) teaches a method of investigating different physical and/or chemical forms of a material (see *Turner et al.*, Abstract and Fig. 53). The method includes:

- Providing an array of receptacles each containing material to be investigated (see *Turner et al.*, Fig. 3, member 104);
- Subjecting the initial material in respective and different receptacles (see *Turner et al.*, Fig. 1) to respective different treatments under the control of a computer (see *Turner et al.*, Fig. 54-58 and 67); and

- Analyzing any material resulting from said different treatments (see Turner et al., page 2, paragraphs 17-18).

However, Turner et al. does not teach a method for investigation of different physical and chemical forms where the method being under taking an investigation selected from a group consisting of investigating polymorphs of material, isomers (in a manner which allows different isometric forms to be solved), different hydrates and salts material (claim 1).

Further Turner et al. does not teach a method of examining the effects in a treatment of a material of varying selected treatment variables that the method including preparing a first resultant material from an initial material using a first treatment using a first set of experimental variables and preparing a second resultant material from an initial material using a second treatment and a second set of experimental variables, wherein the first and second treatments are controlled by a computer (claim 27). Turner et al. does not provide a means a means for condensing vapor associated with the receptacles for reducing loss of material by evaporation (claim 30).

The claimed invention provides all the features noted above, and further includes a treatment means for subjecting initial material to respective different treatments and a computer arranged to control the respective different treatments to which the initial material is subjected.

The remaining claims are dependent upon claims 1, 30, 39, 44 and 51 and contain further limitations.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elias Desta whose telephone number is (571)-272-2214. The examiner can normally be reached on M-Thu (8:30-7:00).

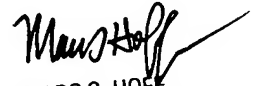
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (571)-272-2216. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-308-5841 for regular communications and (703)-308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-1782.

Elias Desta  
Examiner  
Art Unit 2857

-ed

September 8, 2004

  
MARC S. HOFF  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800